

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

)

) Case No: 0419 5:02CR00037

Eric Anthony Wimbush

) USM No: 19149-058

Date of Original Judgment: April 25, 2005

)

Date of Last Amended Judgment: July 11, 2012

) Caleb Newman

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)AND NOW, this 1st day of September, 2015,Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction of sentence pursuant to Amendment 782 to the Sentencing Guidelines, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,**IT IS ORDERED** that the motion is: DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 235 months is reduced to 188 months.

If the amount of time the defendant has served as of November 1, 2015, exceeds the reduced sentence stated in this Order, the sentence is instead reduced to a sentence of time served as of November 1, 2015.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: 40

Amended Offense Level: 34

Criminal History Category: III

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Original Guideline Range: 360 months to life

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.

The reduced sentence is above the amended guideline range.

Amendment 782 is subject to a Special Instruction at USSG §1B1.10(e)(1) that reduced sentences shall not take effect until November 1, 2015, or later. Since this defendant's projected GCT release date is, Amendment 782 is not applicable in this case.

The Reduced sentence is based upon Amendment 750 782

Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Office prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Resident Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office.

Except as provided above, all provisions of the judgment dated April 25, 2005 and amended July 11, 2012, shall remain in effect.

IT IS SO ORDERED.Order Date: September 2, 2015

Signed: September 2, 2015

Effective Date: November 1, 2015
(if different from order date)


Richard L. Voorhees

United States District Judge

